

S.N. 09/782,375

REMARKS

In the Office Action dated April 10, 2003, the Examiner rejects claims 1 and 11-13 under 35 U.S.C. §102(e) as being anticipated by Tsui (6,394,623). The Examiner allows claims 5-7, 9, 10 and 14-20 and objects to claims 2-4 and 8. With this Amendment, claims 1, 2 and 9 have been amended. Claim 8 has been canceled without prejudice, and claim 21 has been added. For the foregoing reasons, Applicants' invention as defined by the claims is not anticipated or rendered obvious by the cited reference.

Initially, it is respectfully submitted that the Examiner fails to acknowledge that this Office Action is responsive to the Applicants' Amendment timely filed on August 8, 2002, in response to the Office Action dated May 8, 2002. The Amendment sent on January 29, 2003, as explained in the Examiner Interview Summary transmitted therewith, was merely a resubmission of that Amendment previously sent to and received by the USPTO on August 8, 2002. With the resubmission on January 29, 2003, the Applicants also submitted a copy of a Certification of Facsimile Transmission, a facsimile cover sheet and a facsimile receipt, all dated August 8, 2002. The facsimile receipt shows the receipt by the USPTO of the timely-filed Amendment at the facsimile number listed on the Office Action dated May 8, 2002. According to the Applicants' calculations, this delay results in the addition of 123 days to the calculation of the Patent Term Adjustment of any patent that issues from this application.

The Applicants gratefully acknowledge the indication of allowable subject matter in each of claims 2-4 and 8. Claim 2 has been represented in independent form to include all of the features of claim 1. It is respectfully submitted that claim 2 and its dependent claims 3 and 4 are in suitable condition for allowance.

The Applicants have amended claim 1 to include the feature of claim 8 and have consequently canceled claim 8. Claim 9, which previously depended on claim 8, has been amended to depend from claim 1. The Applicants have further amended claim 1 to change the feature of a plurality of closely-spaced light emitting diodes disposed inside the bulb portion to a plurality of light emitting diodes disposed inside the bulb portion. It is respectfully submitted that Tsui fails to teach or suggest all of the features of claim 1 and its dependent claims 11-13 as

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currently amended and as previously submitted.

First, Tsui fails to teach or suggest a plurality of closely-spaced light emitting diodes disposed inside the bulb portion as previously included in claim 1. Tsui teaches a plurality of spaced-apart lights 30 located along a reflective, metallic light string conductor 20. One or more main body conductors 10 extend essentially parallel to the conductor 20 and are also made of a reflective metallic material. (Tsui, col. 4, ll. 4-12; col. 3, ll. 10-31). This design has as its goal the elimination of the dullness of lighting attributable to prior art rope type designs because the only source of light is emitted at each individual light. (Tsui, col. 1, ll. 27-30). Tsui does this by maintaining the spaced-apart lights of the prior art, but including the exposed reflective conductors 10, 20 within the sheath 50. In contrast, the closely-spaced light emitting diodes as described by the Applicants are mounted and spaced based upon the viewing range of the LEDs to obtain a predetermined radiation pattern or dispersion of light from the tube. This provides a uniform light emitted along the length of the tube such that it is a suitable replacement for a fluorescent lighting fixture. (pg. 5, ll. 2-20; pg. 4, ll. 5-6; pg. 6, ll. 30-33; pg. 2, ll. 1-3; pg. 7, ll. 10-15).

Although this feature previously included in claim 1 is neither taught nor suggested by Tsui, it has been removed from claim 1 as its inclusion is not necessary to distinguish claim 1 from Tsui. The feature of claim 8 is now included in claim 1. As the Examiner acknowledges by the indication of allowable subject matter in claim 8, Tsui fails to teach or suggest that the plurality of light emitting diodes is mounted on at least one circuit board. In Tsui, each of the lights 30 is apparently connected only by leads to adjacent lights 30. Thus, claim 1 and its dependent claims 11-13 are allowable over Tsui.

In addition to the foregoing, it is respectfully submitted that Tsui fails to teach or suggest the feature of claim 13 that each of the plurality of light emitting diodes is arranged into one of a plurality of equidistantly-spaced light emitting diode banks, each of the plurality of light emitting diode banks comprising at least two light emitting diodes. The Examiner directs the Applicants' attention to Figs. 7 and 9 of Tsui, but it is respectfully submitted these figures do not teach or suggest equidistantly-spaced light emitting diode banks comprising at least two light

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emitting diodes. Each light 30 of Tsui is spaced apart from an adjacent light 30 and is not part of a diode bank as described by the Applicants in claim 13.

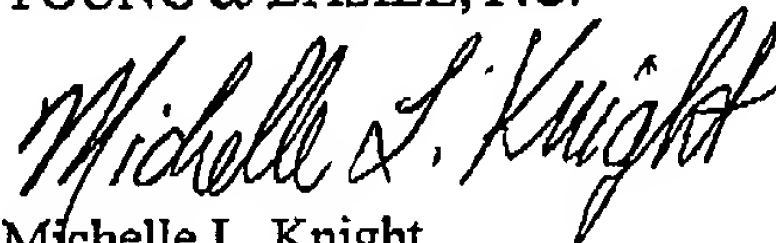
With this Amendment, new claim 21 has been added. New claim 21 depends from claim 1 and includes the feature that the bulb portion comprises clear or frosted glass as described in the specification at page 3, lines 26-29. This feature is neither taught nor suggested by Tsui. Therefore, claim 21 is allowable for this reason and by dependence from claim 1.

It is respectfully submitted that this Amendment traverses and overcomes the Examiner's rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places claims 1-7 and 9-21 in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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